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Attorneys for Plaintiff
 Cherry Patch, LLC

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

DENNIS HOF, an individual; **CHERRY PATCH LLC**, a Nevada limited liability company,

Plaintiffs,

vs.

NYE COUNTY; NYE COUNTY BOARD OF COUNTY COMMISSIONERS; DAN SCHINHOFEN (in his personal and official capacity as an employee of Nye County); **ANDREW BORASKY** (in his personal and official capacity as Commissioner of District 4 of Nye County); **JANE DOE**; and **JOHN ROE**,

Defendants.

Case No. 2:18-cv-01492-RFB-GWF

**STIPULATION TO EXTEND DEADLINE
 TO SUBMIT SCHEDULING ORDER
 (FIRST REQUEST)**

Plaintiff, Cherry Patch, LLC by and through its attorneys of record, LaTeigra C. Cahill and Randazza Legal Group, PLLC and Defendants Nye County, Nye County Board of County Commissioners, Dan Schinhofen and Andrew Borasky, by and through their attorneys of record, Rebecca Bruch, Esq. and Erickson, Thorpe & Swainston, LTD. hereby stipulate to extend the deadline for submitting a proposed discovery plan and scheduling order to the Court. This request was precipitated by the death of Plaintiff Dennis Hof.

MEMORANDUM OF POINTS & AUTHORITIES**1. PROCEDURAL HISTORY AND CURRENT STATUS**

On approximately October 16, 2018, Plaintiff Dennis Hof passed away. In addition to being a Plaintiff individually, Mr. Hof was also a managing member of Cherry Patch, LLC. The attorneys for all Parties have been working diligently with the trustees of Mr. Hof's estate to determine the next steps for this case and will update this Court as soon as practicable.

2. LEGAL ARGUMENT

FRCP 25 (a)(1) holds that the Court may substitute for the proper party. Until a motion for substitution has been made and granted, the court may not proceed with the deceased party's case. See, e.g., *Campbell v. State of Iowa, Third Judicial District Department of Correctional Services*, 702 F.3d 1140, 1141-42 (8th Cir. 2013) (court may not proceed until proper party is substituted for deceased person).

The Parties have identified the trustees of Mr. Hof's estate and are working diligently with the trustees to determine the next steps. In the meantime, the Parties stipulate to stay the current deadline to submit a discovery plan and proposed scheduling order for 60 days to allow time for Mr. Hof's successor to be named and substituted into this litigation. Sixty days from the current deadline is Friday, January 25, 2019.

3. CONCLUSION

Based upon the foregoing, the Parties hereby stipulate and request that the Court grant an extension of time of 60 days to file a stipulated discovery plan and proposed scheduling order.

Dated: November 28, 2018.

Respectfully Submitted,

RANDAZZA LEGAL GROUP, PLLC

/s/ LaTeigra C. Cahill

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Attorneys for Plaintiff

Dated: November 28, 2018.

Respectfully Submitted,

ERICKSON, THORPE & SWAINSTON, LTD

/s/ Rebecca Bruch

Rebecca Bruch, ESQ. (SBN 7289)

99 West Arroyo Street

Reno, Nevada 89509

Attorney for Defendants

ORDER

IT IS SO ORDERED that the deadline to file the Discovery Plan and Proposed Scheduling Order shall be extended from the current deadline to January 25, 2019.

DATED: 11-29-2018



UNITED STATES MAGISTRATE JUDGE